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March 2, 2005

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Federal Communications Commission  
Office of Secretary

**By Hand Delivery**

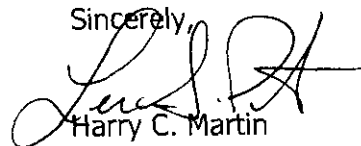
Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554

RE: Comments in Support of Petition For Rulemaking  
Otter Creek, Florida - Channel 240A - MB Docket 05-54  
Living Proof, Inc., Petitioner - FRN: 0006-2429-11

Dear Ms. Dortch:

Living Proof, Inc., by and through its attorneys, hereby submits the attached Comments in support of its is Petition for Rulemaking to reserve the above-reference vacant commercial FM allotment for noncommercial use.

Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,  
  
Harry C. Martin  
Lee G. Petro

Counsel for Living Proof, Inc.

Enclosures

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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Federal Communications Commission  
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In the Matter of:

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations

(Otter Creek, Florida)

MB Docket No.: 05-54  
RM-11151

TO: CHIEF, MEDIA BUREAU

**COMMENTS**

Living Proof, Inc. ("Living Proof"), by and through its attorneys, hereby submits these Comments in support of the reservation of Channel 240A, Otter Creek, Florida, for noncommercial use. Living Proof submitted a Petition for Rulemaking on November 21, 2003, in response to the *Public Notice*<sup>1</sup> establishing a filing window for reserving existing, vacant commercial FM allotments. On February 18, 2005, the FCC released a Notice of Proposed Rulemaking proposing the reservation of the allotment for NCE use.<sup>2</sup>

As noted in the Petition, the reservation of the allotment would deliver to 2,092 persons their first NCE service, 1,198 persons their second NCE service, and would otherwise serve the public interest. Living Proof continues to support this allotment, and intends to file an application for the allotment, and construct a new station at Otter Creek, should the Commission reserve the allotment for NCE use.

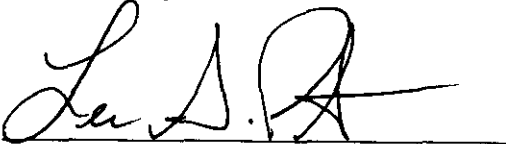
<sup>1</sup> *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, Public Notice, DA 03-2990 (rel. Sept. 30, 2003) (the "Public Notice").

<sup>2</sup> *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Otter Creek, Florida)*, DA 05-416 (Feb. 18, 2005).

Therefore, Living Proof, Inc., respectfully requests that the Commission grant the Petition for Rulemaking, and reserve Channel 240A at Otter Creek, Florida.

Respectfully submitted,

**LIVING PROOF, INC.**

By: 

Harry C. Martin  
Lee G. Petro

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March 2, 2005